

LIPMAN & PLESUR, LLP
The Jericho Atrium, 500 N. Broadway, Suite 105
Jericho, NY 11753, 516-931-0050

1350 Broadway, Suite 2210
New York, NY 10018, 212-661-0085

Facsimile: 516-931-0030
attorneys@lipmanplesur.com

TO: Honorable Robert W. Sweet
United States District Judge
United States District Court

cc: Peter G. Eikenberry, Esq. (Via E-Mail)
Michael A. Faillace, Esq. (Via E-mail)
Richard E. Signorelli, Esq. (Via E-mail)
Juno Turner, Esq. (Via E-mail)

FROM: Robert D. Lipman

FAX NUMBER: 212-805-7925

PAGES (including cover sheet): 5

DATE: July 3, 2008

RE: Marlon Castro, et al. v. Spice Place, Inc., et al.
07 CV 4657 (RWS) (DFE)

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LIPMAN & PLESUR, LLP

PRACTICE IN THE AREA OF EMPLOYMENT AND LABOR LAW

THE JERICHO ATRIUM • 500 N. BROADWAY • SUITE 105 • JERICHO, NY 11753-2131 • 516-931-0050
1350 BROADWAY • SUITE 2210 • NEW YORK, NY 10018-7802 • 212-661-0085
FACSIMILE 516-931-0030
attorneys@lipmanplesur.com

VIA FACSIMILE

Hon. Robert W. Sweet
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1920
New York, NY 10007

July 3, 2008

Re: Marlon Castro, et al. v. Spice Place, Inc., et al.
07 CV 4657 (RWS)

Dear Judge Sweet:

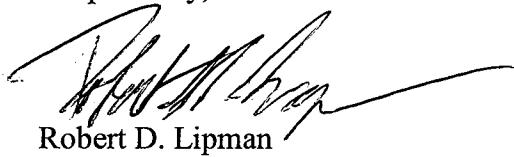
We are co-counsel for defendants in the above-referenced case. Defendants hereby request that Plaintiffs' Notice of Deposition (attached) to take 12 depositions be deemed invalid for the following reasons :

1. Plaintiffs have served the attached Notice of Deposition prematurely in violation of Rule 26(d)(1) since the parties have not had a Rule 26(f) conference.
2. Plaintiffs request more than 10 depositions in violation of Rule 30(a)(2)(i).
3. Plaintiffs violated Rule 30(b)(6) by not describing with reasonable particularity the matters for examination with respect to depositions requests 5 - 10.
4. Depositions are premature until plaintiffs' motion for class and collective actions are adjudicated so the scope of discovery can be established.

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United States District Court
Southern District of New York
July 3, 2008
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We have tried in good faith to resolve this with Plaintiffs' counsel who insists on proceeding with the depositions.

Respectfully,



Robert D. Lipman

RDL:ljt
Attachment

cc: Peter G. Eikenberry, Esq. (Via E-Mail)
Michael A. Faillace, Esq. (Via E-mail)
Richard E. Signorelli, Esq. (Via E-mail)
Juno Turner, Esq. (Via E-mail)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

—X—

MARLON CASTRO, OCTAVIO RANGEL,
MARTIN VASQUEZ, ALFREDO MARTINEZ,
RODOLFO MENDEZ, GERARDO ANGULO, JUAN
MARTINEZ, JOSE CERVANTES, SERGIO
SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ,
GUILLERMO MENDOZA, OMAR CASTILLO, and
AMANDO MARTINEZ, individually and on behalf
of others similarly situated,

Plaintiffs,

07 CV 4657 (RWS)(DFE)

**NOTICE OF
DEPOSITION**

-against-

SPICE PLACE, INC., SPICE AVE., INC.,
BANGKOK PALACE II, INC., SPICE CITY, INC.,
SPICE WEST, INC., KITLEN MANAGEMENT,
KITTIGRON LIRTPANARUK, and YONGYUT
LIMLEARTVATE,

Defendants.

—X—

PLEASE TAKE NOTICE, that pursuant to Rule 30 of the Federal Rules of Civil Procedure, plaintiffs will take the depositions upon oral examination of the following witnesses at the following dates and times at the offices of Peter G. Eikenberry, 74 Trinity Place, Suite 1609, New York, New York:

1. The Honorable Andrew Cuomo, Attorney General of the State of New York, by Juno Turner, Esq., July 8, 2008, at 10:30 a.m.
2. Lorelei Boylan, Esq., July 9, 2008, at 10:30 a.m.
3. Jennifer Brand, Esq., July 9, 2008, at 2:30 a.m.
4. Christopher Miu, CPA, July 14, 2008, at 10:00 a.m.
5. Spice Place, Inc., by an officer or employee having knowledge of the facts out of which this action arose, July 15, 2008, at 10:00 a.m.
6. Spice Ave, Inc., by an officer or employee having knowledge of the facts out of which this action arose, July 15, 2008, at 11:30 a.m.
7. Bangkok Palace II, Inc., by an officer or employee having knowledge of the facts out of which this action arose, July 15, 2008, at 2:00 p.m.

8. Spice City, Inc., by an officer or employee having knowledge of the facts out of which this action arose, July 15, 2008, at 3:30 p.m.
9. Spice West, Inc., by an officer or employee having knowledge of the facts out of which this action arose, July 16, 2008, at 10:00 a.m.
10. Kitlen Management, by an officer or employee having knowledge of the facts out of which this action arose, July 16, 2008, at 11:30 a.m.
11. Kittigron Lirtpanaruk, July 16, 2008, at 2:00 p.m.
12. Yongyut Limlearvate, July 16, 2008, at 3:30 p.m.

You are invited to attend and to cross-examine.

June 11, 2008

Peter G. Eikenberry
PETER G. EIKENBERRY
Attorney for plaintiff
74 Trinity Place, Suite 1609
New York, New York 10006
(212) 385-1050

To:

Robert David Lipman, Esq.
Lipman & Plesur, LLP
500 North Broadway, Suite 105
Jericho, NY 11753-2131

Richard E. Signorelli, Esq.
Law Office of Richard E. Signorelli
799 Broadway, Suite 539
New York, NY 10003

Attorneys for defendants